

## Article - Environment

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§4–405.

(a) For the purposes of this subtitle, the Department of the Environment shall have and may exercise the following powers and duties:

(1) General supervision over the administration and enforcement of this subtitle and all rules, regulations, and orders promulgated pursuant to it;

(2) Develop comprehensive programs and plans for prevention, control, and abatement of pollution of the waters of the State by oil or sediment;

(3) Advise, consult, and cooperate with other units of the State, the federal government, other state and interstate agencies, affected groups, political subdivisions, and industries to further the purposes of this subtitle;

(4) Accept and administer loans and grants from the federal government and other sources, public or private, to carry out any of its functions;

(5) Encourage, participate in, finance, or conduct studies, investigations, research, and demonstrations relating to water pollution and its causes, prevention, control, and abatement;

(6) Collect and disseminate information relating to water pollution and its prevention, control, and abatement;

(7) Adopt, modify, repeal, and promulgate, after due notice and hearing, and enforce rules and regulations implementing or effectuating its powers and duties;

(8) Hold hearings, issue notices of hearing and subpoenas requiring the attendance of witnesses and production of evidence, administer oaths, and take necessary testimony; any of these powers may be exercised by the designee of the Secretary; and

(9) Exercise every incidental power necessary to carry out the purposes of this subtitle.

(b) (1) The Department shall prescribe by regulation approved methods, facilities, standards, and devices for transfer, storage, separating, removing, treating,

transporting, or disposing of oil and other unctuous substances to prevent pollution of waters of the State, that may include rules and regulations:

(i) Outlining procedures for addressing water pollution episodes or emergencies which constitute an acute danger to health or the environment; and

(ii) Requiring:

1. Spill prevention and response training;
2. Spill contingency plans for oil storage facilities, vessels, and barges;
3. Spill prevention and containment equipment at oil storage facilities and on vessels and barges or at other locations necessary to control oil spills from vessels or barges;
4. Inspection of oil storage facilities, vessels, and barges;
5. Escorts for vessels and barges or any other measure in lieu of an escort necessary to detect and control oil spills from tank vessels;
6. Detection and control of oil spills from oil storage facilities, vessels, and barges; and
7. Notification of vessel and barge movement.

(2) A person other than a vessel or barge may not engage in any commercial or industrial operation involving these activities unless the person has:

(i) Submitted to the Department satisfactory evidence that the operation meets all applicable county zoning and land use requirements; and

(ii) Obtained a permit from the Department indicating that the activities are in conformity with the prescribed rules and regulations.

(c) Whenever there occurs in the waters of the State any condition indicative of damage to aquatic resources, including, but not limited to, mortality of fish and other aquatic life, the Department shall investigate the incident, determine the nature and extent of the damage, and establish the cause and source of the occurrence. The Department shall act on these findings and require repair of any damage done and restoration of water resources to a degree necessary to protect the

best interest of the people of the State. Any person who is determined to be responsible for the discharge or spillage of any such substance shall be personally and/or severally responsible to immediately clean up and abate the effects of the spillage and restore the natural resources of the State. The Department shall assume control of any discharge or spill situation when it determines that the person responsible for the discharge is not acting promptly in a manner appropriate to remove, mitigate, control, or rectify the spill. If the Department believes instituting suit is advisable, it shall turn over to the Attorney General all pertinent information and data. The Attorney General then shall file suit against the person causing the condition. The person shall be jointly and severally liable for the reasonable cost of rehabilitation and restoration of the resources damaged and the cost of eliminating the condition causing the damage, including the environmental monetary value of such resources as established by regulation.

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